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SUPREME COURT OF THE UNITED STATES

JAY PALMER ET AL. v. BRG OF GEORGIA, INC., ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 89-1667. Decided November 26, 1990

JUSTICE MARSHALL, dissenting.

Although I agree that the limited information before us appears to indicate that the Court of Appeals erred in its decision below, I continue to believe that summary dispositions deprive litigants of a fair opportunity to be heard on the merits and significantly increase the risk of an erroneous decision. See *Smith v. Ohio*, 494 U. S. —, — (1990) (MARSHALL, J., dissenting); *Pennsylvania v. Bruder*, 488 U. S. 9, 11-12 (1988) (MARSHALL, J., dissenting); *Rhodes v. Stewart*, 488 U. S. 1, 3-4 (1988) (MARSHALL, J., dissenting); *Buchanan v. Stanships Inc.*, 485 U. S. 265, 269 (1988) (MARSHALL, J., dissenting); *Commissioner v. McCoy*, 484 U. S. 3, 7-8 (1987) (MARSHALL, J., dissenting). I therefore dissent from the Court's decision today to reverse summarily the judgment below.

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